

ATTACHMENT C

RULES AND REGULATIONS OF THE STATE BAR OF CALIFORNIA Article I. Classes of Membership – Annual Membership Fees and Penalties Section 7. Standards for Membership Fee and Penalty Waivers I. *Applicability*

- (A) To qualify for a waiver under this rule, the member, the member's legal representative, spouse, or designee must submit a written request.
- (B) Requests for waivers apply to the current membership year and must be supported by documentation applicable to that year. Waivers covering prior or subsequent membership years may be granted if supported by appropriate documentation.
- (C) Requests must be received before June 15 to be considered for the current membership year. Members requesting waivers after June 15 must pay all unpaid fees and penalties to avoid suspension; if the waiver is later granted, the member will receive an appropriate refund.
- (D) This rule does not apply to waivers of:
 - (1) disciplinary costs assessed under Business and Professions Code § 6086.10;
 - (2) monetary sanctions assessed under Business and Professions Code § 6086.13;
 - (3) Client Security Fund disbursements and costs assessed under Business and Professions Code § 6140.5;
 - (4) mandatory fee arbitration award penalties and costs assessed under Business and Professions Code § 6203(d)(3); or
 - (5) Minimum Continuing Legal Education ("MCLE") noncompliance or reinstatement penalties assessed under Business and Professions Code § 6070 or the State Bar's MCLE rules.
- (E) A waiver granted under this rule does not remove a court-ordered suspension for nonpayment of fees and penalties from a member's record.

II. *Staff Waivers*

- (A) *Waiver of Fees and Penalties.* The Secretary, or the Secretary's designee (the "Secretary") may waive up to \$1000 in membership fees and penalties for any of the following reasons:
 - (1) The member is prevented or greatly impaired from pursuing a livelihood for a substantial portion of the membership year because of:
 - (a) a physical or mental condition;

- (b) a natural disaster, such as a fire, flood, or earthquake; or
 - (c) a family emergency;
 - (2) The member has a total annual income from all sources of \$20,000 or less;
 - (3) The member serves full-time as a magistrate, commissioner, or referee, or in another similar capacity for a state or federal court of record;
 - (4) The member is a retired judge who performs judicial functions at least 90% of the calendar year pursuant to assignment from the Chief Justice of the California Supreme Court;
 - (5) The member is inactive and over the age of 70;
 - (5) The member does not have the mental or physical capacity to execute the forms necessary to transfer to inactive status or to resign from the practice of law and the member does not have a court ordered conservator or someone with power of attorney;
 - (6) The member is presumed deceased;
 - (7) State Bar staff has erroneously assessed the fee or penalty; or
 - (8) For any other reason, on a one-time-only basis, if the member has no previous record of discipline, administrative suspension, or late payment.
- (B) *Waiver and Extension of Scaling Deadline.* The Secretary may accept an application for late scaling if it is received within fourteen days of the actual scaling deadline. On a one-time-only basis, the scaling deadline may be extended past the fourteen day grace period if the member has no previous record of late scaling.

III. *Board Review*

- (A) If the Secretary denies a request for a waiver, the denial may be appealed to the Board or the Board's designee (the "Board").
- (B) In reviewing an appeal, the Board must weigh the public policy reason for the imposition of membership fees and penalties against the member's asserted justification for the waiver and determine whether good cause exists to grant the waiver. Waivers should be granted only in very limited circumstances where the reason for the waiver was beyond the member's control.